

**STATE WATER BOARD**  
**BOARD MEETING MINUTES**  
May 15, 2006

Copies of the resolutions and water quality order can be obtained by calling (916) 341-5602 or downloading from our [website](#).

**CALL TO ORDER**

Tam M. Doduc, Chair called the meeting to order on May 15, 2006 at 10:05 a.m. in the Coastal Hearing Room, 1001 I Street, Sacramento, California.

**BOARD MEMBERS PRESENT**

Tam M. Doduc, Gerald D. Secundy and Arthur G. Baggett, Jr.

**BOARD MEMBERS ABSENT**

None

**STAFF PRESENT**

Celeste Cantú, Executive Director  
Tom Howard, Deputy Director  
Bill Rukeyser, Office of Public Affairs  
Liz Kanter, Office of Public Affairs  
Chris Davis, Office of Public Affairs  
Sheila Vassey, Office of Chief Counsel  
Ann Hartridge, Office of Chief Counsel  
Ted Cobb, Office of Chief Counsel  
Betsy Jennings, Office of Chief Counsel  
Lori Okun, Office of Chief Counsel  
Sheila Vassey, Office of Chief Counsel  
Joanna Cox, Office of Chief Counsel  
Barbara Evoy, Office of Chief Counsel  
Steven Blum, Office of Chief Counsel  
Jorge Leon, Office of Chief Counsel

Beth Jines, Deputy Director  
Michael Lauffer, Chief Counsel  
Song Her, Clerk to the Board  
Carmencita Sannebeck, Asst. Clerk to the Board  
Daniel Merkley, Executive Office  
Catherine Kuhlman, North Coast Water Board  
Dyan Whyte, San Francisco Water Board  
Darrin Polhemus, Division of Water Quality  
Ken Harris, Division of Water Quality  
Joanne Cox, Division of Water Quality  
Joanna Jensen, Division of Water Quality  
Rik Rasmussen, Division of Water Quality  
Leslie Laudon, Division of Financial Assistance  
Rob Egel, Office of Legislative Affairs  
Jorge Leon, Office of Chief Counsel

**ANNOUNCEMENT**

Evacuation Information in case the fire alarm goes off during the meeting.

**PUBLIC FORUM**

Tacy Currey and Emily Hanson, California Association of Resource Conservation District (CARCD) gave a summary of the meeting between CARCD and State Water Board staff.

Michael Warburton, Public Trust Alliance. Mr. Warburton spoke about the importance of the State Water Resources Control Board (State Water Board) fulfilling its public trust obligations to protect California's waters in suitable condition for protected public uses. "The current *sum of single dimensional standards* protecting water quality is failing to protect the ecological integrity of our waters and the time has come for

For additional detail, an electronic recording of the meeting is available by upon request. Please contact [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

**STATE WATER BOARD**  
**BOARD MEETING MINUTES**  
May 15, 2006

the Board to exercise its responsibilities as a legal trustee” said Mr. Warburton.

**MINUTES**

**Motion:** Vice Chair Secundy moved to adopt the [May 2](#), 2006 minutes with the correction of Vice Chair Secundy’s last name.

**Seconded by:** Member Baggett

**MOTION CARRIED**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Baggett

**INFORMATIONAL ITEM**

**1. Report by Celeste Cantú, State Water Board Executive Director**

Ms. Cantú gave a summary of the meeting with CARCD et al, in regards to the 2004-05 Consolidated Grant Applications.

**2. Board Member Report**

Vice Chair Secundy: Will schedule a workshop after looking at the report on numeric limits-stormwater.

Chair Doduc: CWIQS demonstration on May 25, 2006 with various stakeholders.

Member Baggett: nothing to report.

**3. Status update on the development of a State Water Board Statewide Policy for San Francisco Bay mercury TMDL offsets – Information Item on “Cause or Contribute”**

Steven Blum, Office of Chief Counsel, along with Joanna Cox, Division of Water Quality, gave a brief update on the staff progress toward drafting an offset policy for mercury in San Francisco Bay and also discussed an interpretation of the NPDES regulation that will implement the policy and what it will mean to the offset program.

**Commenters**

Amy Chastain, Baykeeper (read a statement for Sejal Choski, Baykeeper)

Kevin Buchan, Western States Petroleum Association (WSPA)

Bobbi Larson, California Association Sanitation Agencies (CASA) & Bay Area Clean Water Agency (BACWA)

Craig Johns, Partnership for Sound Science in Environmental Policy

For additional detail, an electronic recording of the meeting is available by upon request. Please contact [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

**STATE WATER BOARD**  
**BOARD MEETING MINUTES**  
May 15, 2006

**FINANCIAL ASSISTANCE**

**4. Consideration of a resolution authorizing acceptance of grant funds from the U.S. Environmental Protection Agency to continue the cooperative agreement for the San Francisco Estuary Project**

Barbara Evoy, Division of Financial Assistance, presented the item to the Board along with Thomas Mumley, San Francisco Water Board.

**Motion:** Vice-Chair Secundy moved to adopt the proposed resolution.

**Seconded by:** Member Baggett

**MOTION CARRIED (Resolution [2006-0028](#))**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Baggett

**WATER QUALITY**

**5. Consideration of the petition of Robertson's Ready Mix, Ltd. for review of Administrative Civil Liability Order No. R8-2005-0091, issued by the Santa Ana Water Board SWRCB/OCC File A-1718 (Following a settlement agreement between the petitioner and the Santa Ana Water Board, the State Water Board will consider issuing an order effectuating the settlement)**

Betsy Jennings, Office of Chief Counsel, presented the item to the Board and said this is an uncontested item and recommends approval.

Jorge Leon, Office of Chief Counsel and a staff member from Santa Ana Water Board were available to answer questions.

**Motion:** Vice-Chair Secundy moved to adopt the proposed order.

**Seconded by:** Member Baggett

**MOTION CARRIED (Water Quality Order [2006-0004](#))**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Baggett

**STATE WATER BOARD**  
**BOARD MEETING MINUTES**  
May 15, 2006

**6. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Central Coast Region (Basin Plan) incorporating non-regulatory revisions**

Michael Buckman, Division of Water Quality, presented the item to the Board along with Steven Blum, Office of Chief Counsel.

**Motion:** Member Baggett moved to adopt the proposed resolution.

**Seconded by:** Vice-Chair Secundy

**MOTION CARRIED (Resolution [2006-0029](#))**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Baggett

**7. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Santa Ana Region (Basin Plan) to establish a Total Maximum Daily Load for bacterial indicators for Middle Santa Ana River Watershed Water Bodies ([Map](#))**

Rik Rasmussen, Division of Water Quality, presented the item to the Board, along with Steven Blum.

**Motion:** Member Baggett moved to adopt the proposed resolution.

**Seconded by:** Vice-Chair Secundy

**MOTION CARRIED (Resolution [2006-0030](#))**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Baggett

**Commenters**

Maria Rea, U.S. Environmental Protection Agency

**8. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) incorporating a Total Maximum Daily Load (TMDL) for Pathogens for Tomales Bay Watershed ([Slideshow](#))**

Joanna Jensen, Division of Water Quality, presented the item to the Board along Dyna Whyte, San Francisco Bay Water Board.

**Motion:** Member Baggett moved to adopt the proposed resolution.

**Seconded by:** Vice-Chair Secundy and urges the Regional Board and the community to work cooperatively together.

For additional detail, an electronic recording of the meeting is available by upon request. Please contact [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

**STATE WATER BOARD**  
**BOARD MEETING MINUTES**  
May 15, 2006

**MOTION CARRIED (Resolution [2006-0031](#))**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Baggett

**Commenters**

Michael Warburton, Public Trust Alliance  
Maria Rea, U.S. Environmental Protection Agency  
Leslie Dapo, Western United Dairymen  
John Hulls, Point Reyes Light Newspaper  
Lynette Khan, self  
Steve Doughty, self  
Corey Goodman, self  
Dr. Laurence Kirsch, self

*(A break was taken at 12:20 p.m. and the Board meeting resumed at 1:05 p.m.)*

**WATER QUALITY – PUBLIC HEARING**

**9. Public Hearing to consider whether a stay should remain in effect on Petition of Humboldt Watershed Council and Environmental Protection Information Center (Enrollment of Pacific Lumber Company Timber Harvesting Plans under General Waste Discharge Requirements, Order No. R1-2004-0030) SWRCB/OCC File No. A-1692**

Chair Doduc gave an opening statement before starting the meeting and said, “This is the time and place for the hearing on a Request for Stay filed by the Humboldt Watershed Council, the Environmental Protection Information Center, and the Sierra Club (Petitioners) regarding timber harvesting plans proposed by the Pacific Lumber Company in the Freshwater Creek and Elk River drainages; because of action taken by North Coast Regional Water Board, which adopted watershed wide waste discharge requirements for Freshwater Creek in the Elk River. Chief Counsel, Michael Lauffer, has advised the State Water Board, that this Regional Board action, coupled with the language of enrollment letters at issuing this petition, and the order in the Superior Court Judge have rendered moot the issuance of Stay in this matter. The State Water Board has been advised, there is nothing to Stay. An order of that effect has been prepared, circulated, and is before the Board today. The petitioner(s) do not intend to offer any evidence in support of a Stay and agreed the matter moot”.

Ted Cobb, Office of Chief Counsel represented the item above.

**Motion:** Member Baggett moved to adopt the proposed order.

**Seconded by:** Vice-Chair Secundy

For additional detail, an electronic recording of the meeting is available by upon request. Please contact [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

**STATE WATER BOARD**  
**BOARD MEETING MINUTES**  
May 15, 2006

**MOTION CARRIED (Water Quality Order [2006-0005](#))**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Baggett

**Commenters**

Sharon Duggin, Humboldt Watersheds, EPIC, and Sierra Club  
Paul Mason, Sierra Club  
Frank Bacik, OWNERS group party  
Chuck Carr, Pacific Lumber Company  
Gary Rynearson, Green Diamond Resources Company  
Catherine Kuhlman, North Coast Water Board

*(Board Members did not go into closed session)*

**ADJOURNED**

**The Board meeting adjourned at 1:29 pm**